

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1133

Introduced by Assembly Member Achadjian

February 27, 2015

An act to amend Section ~~4380~~ 4372 of, and to add and repeal Chapter 4 (commencing with Section 4391) of Part 4 of Division 4 of, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1133, as amended, Achadjian. School-based early mental health ~~intervention~~: *intervention and prevention services support program.*

Existing law, the *School-based Early Mental Health Intervention and Prevention Services for Children Act of 1991*, authorizes the Director of Health Care Services, in consultation with the Superintendent of Public Instruction, to provide matching grants to local educational agencies to pay the state share of the costs of providing school-based early mental health intervention and prevention services to eligible pupils at schoolsites of eligible pupils, subject to the availability of funding each year. Existing law defines “eligible pupil” for this purpose as a pupil who attends a publicly funded elementary school and who is in kindergarten or grades 1 to 3, inclusive. Existing law also defines “local educational agency” as a school district or county office of education or a state special school.

This bill would ~~make technical, nonsubstantive changes to those provisions~~: *expand the definition of an eligible pupil to include a pupil who attends a state preschool program at a publicly funded elementary school and a pupil who is in transitional kindergarten, thereby extending the application of the act to those persons. The bill would also include*

charter schools in the definition of local educational agency, thereby extending the application of the act to those entities. The bill would require the State Public Health Officer, in consultation with the Superintendent of Public Schools and the Director of Health Care Services, to establish a 4-year pilot program, the School-Based Early Mental Health Intervention and Prevention Services Support Program, to provide outreach, free regional training, and technical assistance for local educational agencies in providing mental health services at schoolsites. The bill would require the State Department of Public Health to submit specified reports after 2 and 4 years. The bill would repeal these provisions as of January 1, 2021.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *The State of California has long recognized the mental health*
- 4 *needs of California's children and the value of addressing these*
- 5 *needs by supporting the provision of evidence-based mental health*
- 6 *services in publicly funded preschools and elementary schools, as*
- 7 *evidenced by the creation in 1981 of the Primary Prevention*
- 8 *Project, now named the Primary Intervention Program, and the*
- 9 *creation in 1991 of the School-based Early Mental Health*
- 10 *Intervention and Prevention Services for Children Program, known*
- 11 *as the Early Mental Health Initiative (EMHI).*
- 12 (b) *From the 1992–93 fiscal year to the 2011–12 fiscal year,*
- 13 *the State Department of Mental Health awarded funds each year*
- 14 *in matching grants to local education agencies to fund prevention*
- 15 *and early intervention programs, including the Primary*
- 16 *Intervention Program, for students experiencing mild to moderate*
- 17 *school adjustment difficulty through the EMHI. In the 2011–12*
- 18 *fiscal year, the EMHI received \$15 million in state funds.*
- 19 (c) *Authorizing legislation specified that the EMHI would be*
- 20 *deemed successful if at least 75 percent of the children who*
- 21 *complete the program show an improvement in at least one of the*
- 22 *following four areas: learning behaviors, attendance, school*
- 23 *adjustment, and school-related competencies.*

1 (d) *The EMHI succeeded in meeting these legislative*
2 *requirements. According to the 2010/2011 Early Mental Health*
3 *Initiative Statewide Evaluation Report, of the 15,823 students*
4 *located in 424 elementary schools across 66 school districts*
5 *participating in EMHI-funded services during the 2010–11 school*
6 *year, 79 percent exhibited positive social competence and school*
7 *adjustment behaviors more frequently after completing services.*
8 *Furthermore, the magnitude of the improvements was exceptional*
9 *in comparison to evaluations of other programs, especially given*
10 *the short-term and cost-effective nature of the intervention.*

11 (e) *The 2010/2011 Early Mental Health Initiative Statewide*
12 *Evaluation Report described an unmet demand for EMHI-funded*
13 *services at participating schoolsites, as only 37 percent of the*
14 *students that scored in the mild to moderate school adjustment*
15 *difficulty range were served with EMHI-funded services due to*
16 *program capacity and funding constraints. Based on demographic*
17 *considerations, similar demand would be expected at schools that*
18 *did not receive EMHI grants.*

19 (f) *The Governor’s realignment for the 2011–12 fiscal year*
20 *renamed the State Department of Mental Health as the State*
21 *Department of State Hospitals and limited that department’s*
22 *mission.*

23 (g) *The Budget Act of 2012 disbursed Proposition 98 funds,*
24 *which had been used to fund the EMHI, directly to local education*
25 *agencies in order to provide local schools with enhanced flexibility*
26 *to manage their finances and give greater control of local*
27 *decisions.*

28 (h) *It is in the interest of California’s children, families, schools,*
29 *and communities that the State of California support local*
30 *decisions to provide funding for evidence-based services to address*
31 *the mental health needs of children in publicly funded preschools*
32 *and elementary schools.*

33 *SEC. 2. Section 4372 of the Welfare and Institutions Code is*
34 *amended to read:*

35 4372. For the purposes of this part, the following definitions
36 shall apply:

37 (a) “Cooperating entity” means any federal, state, or local, public
38 or private nonprofit agency providing school-based early mental
39 health intervention and prevention services that agrees to offer
40 services at a schoolsite through a program assisted under this part.

(b) “Eligible pupil” means a pupil who attends a *preschool program at a publicly funded elementary school, or who attends a publicly funded elementary school and who is in kindergarten, transitional kindergarten, or grades 1 to 3, inclusive.*

(c) “Local educational agency” means any school district or county office of education, ~~or~~ state special school, *or charter school.*

(d) “Department” means the State Department of Public Health.

~~(e)~~

(e) “Director” means the State Director of Mental Health.

~~(f)~~

(f) “Supportive service” means a service that will enhance the mental health and social development of children.

SEC. 3. Chapter 4 (commencing with Section 4391) is added to Part 4 of Division 4 of the Welfare and Institutions Code, to read:

CHAPTER 4. SCHOOL-BASED EARLY MENTAL HEALTH
INTERVENTION AND PREVENTION SERVICES SUPPORT PROGRAM

4391. (a) The State Public Health Officer shall establish a four-year pilot program, in consultation with the Superintendent of Public Instruction and the Director of Health Care Services, to encourage and support local decisions to provide funding for the eligible support services as provided in this section.

(b) The department shall provide outreach to local education agencies and county mental health agencies to inform individuals responsible for local funding decisions of the program established pursuant to this section.

(c) The department shall provide free regional training on all of the following:

(1) Eligible support services, which may include any or all of the following:

(A) Individual and group intervention and prevention services.

(B) Parent involvement through conference or training, or both.

(C) Teacher and staff conferences and training related to meeting project goals.

(D) Referral to outside resources when eligible pupils require additional services.

1 (E) Use of paraprofessional staff, who are trained and
2 supervised by credentialed school psychologists, school counselors,
3 or school social workers, to meet with pupils on a short-term
4 weekly basis, in a one-on-one setting as in the primary intervention
5 program established pursuant to Chapter 4 (commencing with
6 Section 4343) of Part 3.

7 (F) Any other service or activity that will improve the mental
8 health of eligible pupils.

9 (2) The potential for the eligible support services defined in this
10 section to help fulfill state priorities described by the local control
11 funding formula and local goals described by local control and
12 accountability plans.

13 (3) How educational, mental health, and other funds subject to
14 local control can be used to finance the eligible support services
15 defined in this section.

16 (4) External resources available to support the eligible support
17 services defined in this section, which may include workshops,
18 training, conferences, and peer learning networks.

19 (5) State resources available to support student mental health
20 and positive learning environments, which may include any of the
21 following:

22 (A) Foundational aspects of learning, mental health, toxic stress,
23 childhood trauma, and adverse childhood experiences.

24 (B) Inclusive multitiered systems of behavioral and academic
25 supports, Schoolwide Positive Behavior Interventions and Supports,
26 restorative justice or restorative practices, trauma-informed
27 practices, social and emotional learning, and bullying prevention.

28 (d) The department shall provide technical assistance to local
29 education agencies that provide or seek to provide eligible services
30 defined in this section. Technical assistance shall include
31 assistance in any of the following:

32 (1) Designing programs.

33 (2) Training program staff in intervention skills.

34 (3) Conducting local evaluations.

35 (4) Leveraging educational, mental health, and other funds that
36 are subject to local control and assisting in budget development.

37 (e) In providing outreach pursuant to subdivision (b), training
38 pursuant to subdivision (c), and technical assistance pursuant to
39 subdivision (d), the department shall select and support schoolsites
40 as follows:

1 (1) During the first 18 months of the program, the department
2 shall support, strengthen, and expand the provision of eligible
3 services at 30 schoolsites that previously received funding pursuant
4 to the School-Based Early Mental Health Intervention and
5 Prevention Services Matching Grant Program (Chapter 2
6 (commencing with Section 4380)) and have continued to provide
7 eligible support services. In working with these selected schoolsites,
8 the department shall develop methods and standards for providing
9 services and practices to new schoolsites.

10 (2) During the subsequent 18 months of the program, the
11 department shall select 30 new schoolsites that are not providing
12 eligible support services but that demonstrate the willingness and
13 capacity to participate in the program. The department shall work
14 with these schoolsites to deliver eligible support services.

15 (3) In selecting schoolsites and providing support, the
16 department shall prioritize geographic diversity, program
17 effectiveness, program efficiency, and long-term program
18 sustainability.

19 (f) The department shall submit, in compliance with Section
20 9795 of the Government Code, an interim report to the Legislature
21 at the end of the second year of the pilot program that details the
22 department's work to support the schoolsites selected pursuant to
23 paragraph (1) of subdivision (e) and includes an assessment of
24 the demand and impact of funding for the School-Based Early
25 Mental Health Intervention and Prevention Services Matching
26 Grant Program established pursuant to Chapter 3 (commencing
27 with Section 4390). The department shall make the report available
28 to the public and shall post it on the department's Internet Web
29 site.

30 (g) The department shall develop an evaluation plan to assess
31 the impact of the pilot program. The department, in compliance
32 with Section 9795 of the Government Code, shall submit a report
33 to the Legislature at the end of the four-year period evaluating the
34 impact of the pilot program and providing recommendations for
35 further implementation. The department shall make the report
36 available to the public and shall post it on the department's
37 Internet Web site.

38 4392. This chapter shall remain in effect only until January 1,
39 2021, and as of that date is repealed, unless a later enacted statute,

1 *that is enacted before January 1, 2021, deletes or extends that*
2 *date.*

3 ~~SECTION 1. Section 4380 of the Welfare and Institutions Code~~
4 ~~is amended to read:~~

5 ~~4380. Subject to the availability of funding each year, the~~
6 ~~Legislature authorizes the director, in consultation with the~~
7 ~~Superintendent of Public Instruction, to award matching grants to~~
8 ~~local educational agencies to pay the state share of the costs of~~
9 ~~providing programs that provide school-based early mental health~~
10 ~~intervention and prevention services to eligible pupils at schoolsites~~
11 ~~of eligible pupils, as follows:~~

12 ~~(a) The director shall award matching grants pursuant to this~~
13 ~~chapter to local educational agencies throughout the state.~~

14 ~~(b) Matching grants awarded under this part shall be awarded~~
15 ~~for a period of not more than three years. No single schoolsite shall~~
16 ~~be awarded more than one grant, except for a schoolsite that~~
17 ~~received a grant prior to July 1, 1992.~~

18 ~~(c) The director shall pay to each local educational agency that~~
19 ~~has an application approved pursuant to requirements of this part~~
20 ~~the state share of the cost of the activities described in the~~
21 ~~application.~~

22 ~~(d) Commencing July 1, 1993, the state share of matching grants~~
23 ~~shall be a maximum of 50 percent in each of the three years.~~

24 ~~(e) Commencing July 1, 1993, the local share of matching grants~~
25 ~~shall be at least 50 percent, from a combination of school district~~
26 ~~and cooperating entity funds.~~

27 ~~(f) The local share of the matching grant may be in cash or~~
28 ~~payment in-kind.~~

29 ~~(g) Priority shall be given to those applicants that demonstrate~~
30 ~~the following:~~

31 ~~(1) The local educational agency will serve the greatest number~~
32 ~~of eligible pupils from low-income families.~~

33 ~~(2) The local educational agency will provide a strong parental~~
34 ~~involvement component.~~

35 ~~(3) The local educational agency will provide supportive services~~
36 ~~with one or more cooperating entities.~~

37 ~~(4) The local educational agency will provide services at a low~~
38 ~~cost per child served in the project.~~

39 ~~(5) The local educational agency will provide programs and~~
40 ~~services that are based on adoption or modification, or both, of~~

1 existing programs that have been shown to be effective. No more
2 than 20 percent of the grants awarded by the director may be
3 utilized for new models.

4 (6) The local educational agency will provide services to
5 children who are in out-of-home placement or who are at risk of
6 being in out-of-home placement.

7 (h) Eligible supportive services may include the following:

8 (1) Individual and group intervention and prevention services.

9 (2) Parent involvement through conferences or training, or both.

10 (3) Teacher and staff conferences and training related to meeting
11 project goals.

12 (4) Referral to outside resources when eligible pupils require
13 additional services.

14 (5) Use of paraprofessional staff, who are trained and supervised
15 by credentialed school psychologists, school counselors, or school
16 social workers, to meet with pupils on a short-term weekly basis,
17 in a one-on-one setting as in the primary intervention program
18 established pursuant to Chapter 4 (commencing with Section 4343)
19 of Part 3. A minimum of 80 percent of the grants awarded by the
20 director shall include the basic components of the primary
21 intervention program.

22 (6) Any other service or activity that will improve the mental
23 health of eligible pupils.

24 Prior to participation by an eligible pupil in either individual or
25 group services, consent of a parent or guardian shall be obtained.

26 (i) Each local educational agency seeking a grant under this
27 chapter shall submit an application to the director at the time, in
28 a manner, and accompanied by any information the director may
29 reasonably require.

30 (j) Each matching grant application submitted shall include all
31 of the following:

32 (1) Documentation of need for the school-based early mental
33 health intervention and prevention services.

34 (2) A description of the school-based early mental health
35 intervention and prevention services expected to be provided at
36 the schoolsite.

37 (3) A statement of program goals.

38 (4) A list of cooperating entities that will participate in the
39 provision of services. A letter from each cooperating entity
40 confirming its participation in the provision of services shall be

1 included with the list. At least one letter shall be from a cooperating
2 entity confirming that it will agree to screen referrals of low-income
3 children the program has determined may be in need of mental
4 health treatment services and that, if the cooperating entity
5 determines that the child is in need of those services and if the
6 cooperating entity determines that according to its priority process
7 the child is eligible to be served by it, the cooperating entity will
8 agree to provide those mental health treatment services.

9 ~~(5) A detailed budget and budget narrative.~~

10 ~~(6) A description of the proposed plan for parent involvement~~
11 ~~in the program.~~

12 ~~(7) A description of the population anticipated to be served,~~
13 ~~including number of pupils to be served and socioeconomic~~
14 ~~indicators of sites to receive funds.~~

15 ~~(8) A description of the matching funds from a combination of~~
16 ~~local education agencies and cooperating entities.~~

17 ~~(9) A plan describing how the proposed school-based early~~
18 ~~mental health intervention and prevention services program will~~
19 ~~be continued after the matching grant has expired.~~

20 ~~(10) Assurance that grants would supplement and not supplant~~
21 ~~existing local resources provided for early mental health~~
22 ~~intervention and prevention services.~~

23 ~~(11) A description of an evaluation plan that includes~~
24 ~~quantitative and qualitative measures of school and pupil~~
25 ~~characteristics, and a comparison of children's adjustment to~~
26 ~~school.~~

27 ~~(k) Matching grants awarded pursuant to this article may be~~
28 ~~used for salaries of staff responsible for implementing the~~
29 ~~school-based early mental health intervention and prevention~~
30 ~~services program, equipment and supplies, training, and insurance.~~

31 ~~(l) Salaries of administrative staff and other administrative costs~~
32 ~~associated with providing services shall be limited to 5 percent of~~
33 ~~the state share of assistance provided under this section.~~

34 ~~(m) No more than 10 percent of each matching grant awarded~~
35 ~~pursuant to this article may be used for matching grant evaluation.~~

36 ~~(n) (1) No more than 10 percent of the moneys allocated to the~~
37 ~~director pursuant to this chapter may be utilized for program~~
38 ~~administration and evaluation.~~

39 ~~(2) Program administration shall include both state staff and~~
40 ~~field staff who are familiar with and have successfully implemented~~

1 ~~school-based early mental health intervention and prevention~~
2 ~~services. Field staff may be contracted with by local school districts~~
3 ~~or community mental health programs. Field staff shall provide~~
4 ~~support in the timely and effective implementation of school-based~~
5 ~~early mental health intervention and prevention services. Reviews~~
6 ~~of each project shall be conducted at least once during the first~~
7 ~~year of funding.~~

8 ~~(o) Subject to the approval of the director, at the end of the fiscal~~
9 ~~year, a school district may apply unexpended funds to the budget~~
10 ~~for the subsequent funding year.~~

11 ~~(p) Contracts for the program and administration, or ancillary~~
12 ~~services in support of the program, shall be exempt from the~~
13 ~~requirements of the Public Contract Code and the State~~
14 ~~Administrative Manual, and from approval by the Department of~~
15 ~~General Services.~~